

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 6, “Appeal Procedures,” Iowa Administrative Code.

The proposed new rule is intended to keep the state of Iowa in compliance with appeal procedures in federal regulations. New subrule 6.23(2) contains references to the particular programs for which adherence to the appeals process is required. This is not an exhaustive list. In all other cases, the federal appeals process is enacted only if the program contains an appeals process requirement with which Iowa maintains compliance.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed rule on or before July 1, 2014, at 4:30 p.m. Comments on the proposed rule should be directed to Nicole Proesch, Attorney, Iowa Department of Education, Second Floor, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319-0146; telephone (515)281-8661; or e-mail at Nicole.Proesch@iowa.gov.

A public hearing will be held on July 1, 2014, from 1 to 2 p.m. in the State Board Room, Second Floor, Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of their specific needs by calling (515)281-5295.

After analysis and review of this rule making, no impact on jobs has been found.

This rule is intended to implement Iowa Code sections 256.7(1), 256.7(6), 256.9(1) and 256.9(7).

The following amendment is proposed.

Adopt the following new rule 281—6.23(256,17A):

281—6.23(256,17A) Additional requirements for specific programs.

6.23(1) General rule. If a specific federal program’s statutes or regulations impose requirements on appeals to the state board of education, the director of education, or the department of education, those specific requirements shall be followed and are incorporated by this reference.

6.23(2) Specific programs. The following is a nonexhaustive list to which this rule applies.

a. Appeals under the Child and Adult Care Food Program (CACFP) shall be governed by the requirements contained in 7 CFR Section 226.6 as of May 15, 2014.

b. Due process complaints under Part B of the Individuals with Disabilities Education Act and Iowa Code chapter 256B shall be governed by Iowa Administrative Code 281—Chapter 41.

c. Due process complaints under Part C of the Individuals with Disabilities Education Act shall be governed by Iowa Administrative Code 281—Chapter 120.